

**STATE BOARD OF COSMETOLOGY EXAMINERS MEETING  
MONDAY, MARCH 16, 2009, 10:00 A.M.  
INDIANA GOVERNMENT CENTER SOUTH  
402 W. WASHINGTON STREET, ROOM W064  
INDIANAPOLIS, IN 46204**

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

David Demuth, President  
Diane Weisheit, Vice President  
Diana Bonn  
Elizabeth Lynch  
Dr. Rebecca Bushong

**STATE OFFICIALS PRESENT:**

Tracy Hicks, Board Director  
Tina Wiseley, Assistant Director  
Julie Alexander, Deputy Attorney General  
Natalie Stidd, Deputy Attorney General

**MINUTES TRANSCRIBED AND  
COMPILED BY:**

Tina Wiseley, Assistant Board Director

**MINUTE 09-18**

**CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

The committee meeting was called to order at 10:00 a.m. by D. Demuth pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**MINUTE 09-19**

**ADOPTION OF THE AGENDA**

D. Bonn moved to adopt the agenda as amended. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-20**

**ADOPTION OF THE MINUTES OF THE JANUARY 12, 2009 MEETING OF THE BOARD**

D. Bonn moved to approve the minutes of the January 12, 2009 meeting of the board. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-21**

**ADMINISTRATIVE HEARING TO CONSIDER RENEWAL OF SUMMARY SUSPENSION IN THE MATTER OF  
TRUONG C. VU, SBCE 09-01**

The board conducted an administrative hearing to consider renewal of Summary Suspension in the matter of Truong C. Vu, SBCE 09-01

D. Weisheit moved to renew the suspension of the license for an additional 90 days beginning April 13, 2009 in the matter of Truong C. Vu, SBCE 09-01. D. Bonn seconded the motion. Motion carried.

**MINUTE 09-22**

**ADMINISTRATIVE HEARING TO CONSIDER REQUEST FOR REMOVAL OF PROBATION IN THE MATTER OF POINTE 99 SALON, BS30300298, SBCE 07-26**

The board conducted an administrative hearing to consider request for removal of probation in the matter of Pointe 99 Salon, SBCE 07-26.

D. Weisheit moved to approve the request for removal of probation and to restore the license of Point 99 Salon, BS30300298, to active status. D. Bonn seconded the motion. Motion carried.

**MINUTE 09-23**

**ADMINISTRATIVE HEARING IN THE MATTER OF MARIE GOODEN, BC02301371, SBCE 08-35 AND GOODEN'S BEAUTY COLLEGE, SC48601200, SBCE 08-36**

The board conducted an administrative hearing in the matter of Marie Gooden, BC02301371, SBCE 08-35 and Gooden's Beauty College, SC48601200, SBCE 08-36.

The respondent failed to appear.

D. Bonn moved to issue a notice of proposed default in the matter of Marie Gooden, BC02301371, SBCE 08-35 and Gooden's Beauty College, SC48601200, SBCE 08-36. D. Weisheit seconded the motion. Motion carried.

**MINUTE 09-24**

**ADMINISTRATIVE HEARING IN THE MATTER OF CINDY'S NAILS, MS30300608 AND PAUL H. PHUNG, MA29900189, SBCE 09-04**

The board conducted an administrative hearing in the matter of Cindy's Nails, MS30300608, and Paul H. Phung, MA29900189, SBCE 09-04.

D. Weisheit moved that the state prove its case on counts 1 and 2 and to fine Cindy's Nails \$1,000 for the 1st count and \$500 for the 2<sup>nd</sup> count for a total of \$1,500 to be paid within one (1) year, to pay court costs, and to place the license on indefinite probation without the right to petition for withdrawal of probation for one (1) year and to set probationary terms for the licensee to make quarterly appearances and submit bi-monthly reports that are to include names and license numbers of employees, services offered, and detailed sanitation checklist for all employees to sign. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to fine Paul H. Phung \$500 per count for a total of \$1,000 to be paid within one (1) year and to place the license on indefinite probation without the right to petition for withdrawal of probation for one (1) year and to set probationary terms for the licensee to submit the bi-monthly reports for the salon. D. Bonn seconded the motion. Motion carried.

**MINUTE 09-25**

**ADMINISTRATIVE HEARING IN THE MATTER OF NICE NAILS, MS39600799, SBCE 09-06**

The board conducted an administrative hearing in the matter of Nice Nails, MS39600799, SBCE 09-06.

D. Bonn moved that the state prove its case on counts 1 and 2 and to fine Nice Nails \$1,000 per count for a total of \$2,000 to be paid within one (1) year, to pay court costs, and to place the license on indefinite probation without the right to petition for withdrawal of probation for one (1) year and to set probationary terms for the licensee to make quarterly appearances and submit bi-monthly reports that are to include names and license numbers of employees, services offered, and detailed sanitation checklist for all employees to sign. R. Bushong seconded the motion. Motion carried.

**MINUTE 09-26**

**ADMINISTRATIVE HEARING IN THE MATTER OF TUNG M. DO, MA20200249, SBCE 09-07**

The board conducted an administrative hearing in the matter of Tung M. Do, MA20200249, SBCE 09-07.

The respondent failed to appear.

D. Bonn moved to issue an order of proposed default in the matter of Tung M. Do MA20200249, SBCE 09-07. D. Weisheit seconded the motion. Motion carried.

**MINUTE 09-27**

**ADMINISTRATIVE SHOW CAUSE HEARING IN THE MATTER OF LAM THANH MAI FOR PRO NAILS, MS30701326, SBCE 07-03**

The board conducted an administrative show cause hearing in the matter of Lam Thanh Mai for Pro Nails, MS30701326, SBCE 07-03.

The respondent failed to appear.

D. Bonn moved to issue an order of proposed default in the matter of Lam Thanh Mai for Pro Nails, MS30701326, SBCE 07-03. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-28**

**ADMINISTRATIVE SHOW CAUSE HEARING IN THE MATTER OF ARNELL ROBINSON FOR MIGHTY SHARP NAILS, BS30500317, SBCE 06-31**

The board conducted an administrative show cause hearing in the matter of Arnell Robinson for Mighty Sharp Nails, BS30500317, SBCE 06-31.

The respondent failed to appear.

D. Weisheit moved to suspend the license of Mighty Sharp Barber Shop, BS30500317, SBCE 06-31 indefinitely without the right to petition for reinstatement for ninety (90) days.

**MINUTE 09-29**

**PERSONAL APPEARANCES**

P.J.'s College of Cosmetology by Judith and or Phillip Stewart, SBCE 08-26 appeared before the board. Brenda Anderson, BC02117855, SBCE 07-42 failed to appear before the board. Lovely Nails, MS30600511, SBCE 08-27, represented by Ly Phan, appeared before the board.

**MINUTE 09-30**

**CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

D. Weisheit moved to accept the Proposed Findings of Fact, Conclusions of Law, And Order in the matter of Thanh L. Vu, MA29601776, SBCE 08-37. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-31**

**CONSIDERATION OF LSA DOC. # 08-606 CONCERNING LICENSE APPLICATION REQUIREMENTS FOR TANNING FACILITIES AND ESTABLISHMENT OF APPLICATION AND RENEWAL FEES**

D. Weisheit moved that given the fact that the board has considered the Indiana Economic Development Corporation comments and there was no public comment at the November 17, 2008 public rule hearing, she moved to adopt LSA Doc. # 08-606. R. Bushong seconded the motion. Motion carried.

**MINUTE 09-32**

**CONSIDERATION OF REQUEST FOR WAIVER OF SIX MONTH LICENSURE REQUIREMENT TO MANAGE A SALON**

D. Weisheit moved to deny the request for waiver of six month licensure requirement to manage a salon in the matter of Serenia Williams, BC20807832. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-33****CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b)**

R. Bushong moved to approve the request for waiver of 820 IAC 2-2-3(b) in the matter of Nicole Cammack and accept her passing grade. D. Bonn seconded the motion. D. Weisheit opposed the motion. Motion carried.

D. Weisheit moved to approve the request for waiver of 820 IAC 2-2-3(b) in the matter of LaToya Lolla allow her until September 16, 2009 to sit for the examination. D. Bonn seconded the motion. Motion carried.

R. Bushong moved to approve the request for waiver of 820 IAC 2-2-3(b) in the matter of Thuy Le Phung and allow her until September 16, 2009 to sit for the examination. D. Bonn seconded the motion. Motion carried.

R. Bushong moved to approve the request for waiver of 820 IAC 2-2-3(b) in the matter of Loan Truong and allow her until September 16, 2009 to sit for the examination. D. Bonn seconded the motion. Motion carried.

D. Bonn moved to table the request for waiver of 820 IAC 2-2-3(b) in the matter of Wendy Charnley for more information. R. Bushong seconded the motion. Motion carried.

**MINUTE 09-34****CONSIDERATION OF REQUEST FOR WAIVER OF 820 IAC 4-1-5(d)**

D. Bonn moved to approve the request for waiver of 820 IAC 4-1-5(d) in the matter of Bonnie Haley and allow her until March 16, 2010 to graduate. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-35****GRANTING OR DENYING PETITIONS FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE**

D. Weisheit moved to grant the petitions for review in the matter of Ashley Johnson, Rachael DelGuanto, Tiffany Coleman, and Cesar Antonio Oxolac Chavac. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to appoint D. Demuth as the Administrative Law Judge in the matter of Ashley Johnson, Rachael DelGuanto, Tiffany Coleman, and Cesar Antonio Oxolac Chavac. D. Bonn seconded the motion. Motion carried.

**MINUTE 09-36****BOARD OPINION IN THE MATTER OF THE USE OF ANIMALS IN COSMETOLOGY PROFESSIONAL SALONS**

D. Weisheit moved to issue a board opinion that living non-human creatures, including but not limited to, fish and snakes shall not be used in any way in the practice of beauty culture. D. Weisheit further moved that the only living non-human creatures permitted in salons are service animals to assist disabled employees or clients. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-37****DEPUTY ATTORNEY GENERAL'S REPORT**

No report.

**MINUTE 09-38****APPLICATION COMMITTEE REPORT**

D. Weisheit moved to accept the following application committee report as follows. R. Bushong seconded the motion. Motion carried.

### **COSMETOLOGY RECIPROCITY APPLICATIONS**

Ashley Durham – DENIED – does not have a valid license in other jurisdiction – IC 25-8-4-2(a)(1)

Katie Kha – DENIED – does not have required education & no proof of work experience –  
IC 25-8-4-2(a)(2), IC 25-8-4-2(b) & IAC 4-4-4

Siv G. Ly – DENIED – No license in other jurisdiction – IC 25-8-4-2(a)(1)

### **COSMETOLOGY EXAMINATION APPLICATIONS**

Hannah Lucille Downs – TABLED – documents indicating detail of conviction and final disposition  
indicating if sentence has been served and/or probationary  
requirements have been fulfilled

Jillian Knoll – APPROVED

Doris P. Patton – APPROVED

### **MANICURIST RECIPROCITY APPLICATION**

Megan K. Kromer – APPROVED

Dong Bien Thi Le – DENIED – does not have required education – IC 25-8-1-2(a)(2) & IAC 4-4-4

Trung Nhan Le – DENIED – license is not valid in other jurisdiction – IC 25-8-4-2(a)(1)

### **MANICURIST EXAMINATION APPLICATIONS**

Trane Minh Anderson – TABLED – pending outcome of litigation of Gooden's Beauty College

Benny W. Chang – TABLED – pending outcome of litigation of Gooden's Beauty College

Brittany N. Craver – TABLED – proof of high school education, documents indicating detail of conviction  
and final disposition indicating if sentence has been served and/or  
probationary requirements have been fulfilled

Tu-Uyen Dang – TABLED – pending outcome of litigation of Gooden's Beauty College

Tai Khay Ha – TABLED – pending outcome of litigation of Gooden's Beauty College

Son Huynh – TABLED – pending outcome of litigation of Gooden's Beauty College

Hien Trung Le – TABLED – pending outcome of litigation of Gooden's Beauty College

Anna T. Ngo – TABLED – pending outcome of litigation of Gooden's Beauty College

Amy Tuyen Nguyen – TABLED – pending outcome of litigation of Gooden's Beauty College

Ha T. Nguyen – TABLED – pending outcome of litigation of Gooden's Beauty College

Nhan Kim Nguyen – TABLED – pending outcome of litigation of Gooden's Beauty College

Paula Nguyen – TABLED – pending outcome of litigation of Gooden's Beauty College

Quoc A. Pham – TABLED – pending outcome of litigation of Gooden's Beauty College

Susan Phan – TABLED – pending outcome of litigation of Gooden's Beauty College

Lahraman T. Yen – TABLED – pending outcome of litigation of Gooden's Beauty College

### **ESTHETICIAN RECIPROCITY APPLICATION**

Vi T. Hoang – APPROVED

### **COSMETOLOGY SALON APPLICATION**

Dana & Co. – TABLED – personal appearance

Punchies Style Center – TABLED – proof of compliance with probationary terms on personal license  
and disposition of pending litigation

### **MANICURIST SALON APPLICATIONS**

D.T. Nails – DENIED – unlicensed practice IC 25-1-11-19(a)(1)(B)

Emani Pedi Spa – APPROVED

Spa Nails 2 – DENIED – unlicensed practice for personal licenses and waxing in salon  
IC 25-1-11-19(a)(1)(B)

### **ESTHETIC SALON APPLICATION**

Lee's Nail – APPROVED

### **TANNING FACILITY APPLICATION**

Dana & Co. – Tabled – personal appearance

**MINUTE 09-39**  
**RULES COMMITTEE REPORT**

Mobile salon rules were not discussed.

**MINUTE 09-40**  
**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 4:10 p.m.

DATED: 5/18/09

David Demuth  
DAVID DEMUTH, PRESIDENT

Tracy Hicks  
ATTEST BY:

TRACY HICKS, BOARD DIRECTOR